IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 30609 of 2006(R)

PETITIONER:

THE MANAGER,
SAINTIGITS COLLEGE OF APPLIED SCIENCES,
PATHANAMTHITTA.

BY ADV. SRI.TONY GEORGE KANNNTHANAM

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, HIGHER EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. THE REGISTRAR,
MAHATMA GANDHI UNIVERSITY, KOTTAYAM.

R1 BY G.P. SRI. I.V. PRAMOD
R2 BY SC SRI.V.A. MUHAMMED.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 30609 OF 2006

Dated this the 29th day of November, 2006

JUDGMENT

Heard counsel for the petitioner, standing counsel for the University and Government Pleader. Petitioner has applied for affiliation of three post-graduate courses in the existing college, which is Arts and Science College affiliated to the M.G. University. It is clear from Ext.P2 that University after inspection approved commencement of the courses and referred the matter to the Government for taking their views as required under clause 9(7) of Chapter 23 of the M.G. University First Statutes. W.P. is filed because Government has not conveyed their views to the University. Government Pleader submitted that similar applications are received by Govt. from various institutions and Government have not formulated any policy in regard to commencement of new colleges and new courses in the existing self-financed colleges. When a similar case came up before this Court, Government have expressed the same view and this Court felt that

Government's role is very limited and the delay in studying the matter and conveying the views of the Government should not delay commencement of new courses approved by the University. In the circumstances, following the judgment in W.P.C.No.21770 of 2006 this W.P. is allowed directing the University to grant affiliation to the new three courses in the petitioner's college to be commenced from current academic year, if the University is of opinion that the petitioner's college has infra-structural facilities and other entitlement for affiliation to these courses. Government is free to formulate and take decision and convey the same to the University in other pending cases. However, the University need not wait for Government's views as the Government is not able to convey their views for commencement of courses this academic year.

(C.N.RAMACHANDRAN NAIR)
Judge